

Attachment Seven

111TH CONGRESS
2D SESSION

H. RES. 1031

Impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2010

Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. PIERLUISI, and Mr. GONZALEZ) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors.

1 *Resolved*, That G. Thomas Porteous, Jr., a judge of
2 the United States District Court for the Eastern District
3 of Louisiana, is impeached for high crimes and mis-
4 demeanors, and that the following articles of impeachment
5 be exhibited to the Senate:

6 Articles of impeachment exhibited by the House of
7 Representatives of the United States of America in the

1 name of itself and all of the people of the United States
2 of America, against G. Thomas Porteous, Jr., a judge in
3 the United States District Court for the Eastern District
4 of Louisiana, in maintenance and support of its impeach-
5 ment against him for high crimes and misdemeanors.

6 ARTICLE I

7 G. Thomas Porteous, Jr., while a Federal judge of
8 the United States District Court for the Eastern District
9 of Louisiana, engaged in a pattern of conduct that is in-
10 compatible with the trust and confidence placed in him
11 as a Federal judge, as follows:

12 Judge Porteous, while presiding as a United States
13 district judge in *Lifemark Hospitals of Louisiana, Inc. v.*
14 *Liljeberg Enterprises*, denied a motion to recuse himself
15 from the case, despite the fact that he had a corrupt finan-
16 cial relationship with the law firm of Amato & Creely, P.C.
17 which had entered the case to represent Liljeberg. In de-
18 nying the motion to recuse, and in contravention of clear
19 canons of judicial ethics, Judge Porteous failed to disclose
20 that beginning in or about the late 1980s while he was
21 a State court judge in the 24th Judicial District Court
22 in the State of Louisiana, he engaged in a corrupt scheme
23 with attorneys, Jacob Amato, Jr., and Robert Creely,
24 whereby Judge Porteous appointed Amato's law partner
25 as a "curator" in hundreds of cases and thereafter re-
26 quested and accepted from Amato & Creely a portion of

1 the curatorship fees which had been paid to the firm. Dur-
2 ing the period of this scheme, the fees received by Amato
3 & Creely amounted to approximately \$40,000, and the
4 amounts paid by Amato & Creely to Judge Porteous
5 amounted to approximately \$20,000.

6 Judge Porteous also made intentionally misleading
7 statements at the recusal hearing intended to minimize the
8 extent of his personal relationship with the two attorneys.
9 In so doing, and in failing to disclose to Lifemark and
10 its counsel the true circumstances of his relationship with
11 the Amato & Creely law firm, Judge Porteous deprived
12 the Fifth Circuit Court of Appeals of critical information
13 for its review of a petition for a writ of mandamus, which
14 sought to overrule Judge Porteous's denial of the recusal
15 motion. His conduct deprived the parties and the public
16 of the right to the honest services of his office.

17 Judge Porteous also engaged in corrupt conduct after
18 the Lifemark v. Liljeberg bench trial, and while he had
19 the case under advisement, in that he solicited and accept-
20 ed things of value from both Amato and his law partner
21 Creely, including a payment of thousands of dollars in
22 cash. Thereafter, and without disclosing his corrupt rela-
23 tionship with the attorneys of Amato & Creely PLC or
24 his receipt from them of cash and other things of value,
25 Judge Porteous ruled in favor of their client, Liljeberg.

1 By virtue of this corrupt relationship and his conduct
2 as a Federal judge, Judge Porteous brought his court into
3 scandal and disrepute, prejudiced public respect for, and
4 confidence in, the Federal judiciary, and demonstrated
5 that he is unfit for the office of Federal judge.

6 Wherefore, Judge G. Thomas Porteous, Jr., is guilty
7 of high crimes and misdemeanors and should be removed
8 from office.

9 ARTICLE II

10 G. Thomas Porteous, Jr., engaged in a longstanding
11 pattern of corrupt conduct that demonstrates his unfitness
12 to serve as a United States District Court Judge. That
13 conduct included the following: Beginning in or about the
14 late 1980s while he was a State court judge in the 24th
15 Judicial District Court in the State of Louisiana, and con-
16 tinuing while he was a Federal judge in the United States
17 District Court for the Eastern District of Louisiana,
18 Judge Porteous engaged in a corrupt relationship with bail
19 bondsman Louis M. Marcotte, III, and his sister Lori
20 Marcotte. As part of this corrupt relationship, Judge
21 Porteous solicited and accepted numerous things of value,
22 including meals, trips, home repairs, and car repairs, for
23 his personal use and benefit, while at the same time taking
24 official actions that benefitted the Marcottes. These offi-
25 cial actions by Judge Porteous included, while on the
26 State bench, setting, reducing, and splitting bonds as re-

1 requested by the Marcottes, and improperly setting aside or
2 expunging felony convictions for two Marcotte employees
3 (in one case after Judge Porteous had been confirmed by
4 the Senate but before being sworn in as a Federal judge).
5 In addition, both while on the State bench and on the Fed-
6 eral bench, Judge Porteous used the power and prestige
7 of his office to assist the Marcottes in forming relation-
8 ships with State judicial officers and individuals important
9 to the Marcottes' business. As Judge Porteous well knew
10 and understood, Louis Marcotte also made false state-
11 ments to the Federal Bureau of Investigation in an effort
12 to assist Judge Porteous in being appointed to the Federal
13 bench.

14 Accordingly, Judge G. Thomas Porteous, Jr., has en-
15 gaged in conduct so utterly lacking in honesty and integ-
16 rity that he is guilty of high crimes and misdemeanors,
17 is unfit to hold the office of Federal judge, and should
18 be removed from office.

19 ARTICLE III

20 Beginning in or about March 2001 and continuing
21 through about July 2004, while a Federal judge in the
22 United States District Court for the Eastern District of
23 Louisiana, G. Thomas Porteous, Jr., engaged in a pattern
24 of conduct inconsistent with the trust and confidence
25 placed in him as a Federal judge by knowingly and inten-
26 tionally making material false statements and representa-

1 tions under penalty of perjury related to his personal
2 bankruptcy filing and by repeatedly violating a court order
3 in his bankruptcy case. Judge Porteous did so by—

4 (1) using a false name and a post office box ad-
5 dress to conceal his identity as the debtor in the
6 case;

7 (2) concealing assets;

8 (3) concealing preferential payments to certain
9 creditors;

10 (4) concealing gambling losses and other gam-
11 bling debts; and

12 (5) incurring new debts while the case was
13 pending, in violation of the bankruptcy court's order.

14 In doing so, Judge Porteous brought his court into
15 scandal and disrepute, prejudiced public respect for and
16 confidence in the Federal judiciary, and demonstrated that
17 he is unfit for the office of Federal judge.

18 Wherefore, Judge G. Thomas Porteous, Jr., is guilty
19 of high crimes and misdemeanors and should be removed
20 from office.

21 ARTICLE IV

22 In 1994, in connection with his nomination to be a
23 judge of the United States District Court for the Eastern
24 District of Louisiana, G. Thomas Porteous, Jr., knowingly
25 made material false statements about his past to both the
26 United States Senate and to the Federal Bureau of Inves-

1 tigation in order to obtain the office of United States Dis-
2 trict Court Judge. These false statements included the fol-
3 lowing:

4 (1) On his Supplemental SF-86, Judge
5 Porteous was asked if there was anything in his per-
6 sonal life that could be used by someone to coerce
7 or blackmail him, or if there was anything in his life
8 that could cause an embarrassment to Judge
9 Porteous or the President if publicly known. Judge
10 Porteous answered "no" to this question and signed
11 the form under the warning that a false statement
12 was punishable by law.

13 (2) During his background check, Judge
14 Porteous falsely told the Federal Bureau of Inves-
15 tigation on two separate occasions that he was not
16 concealing any activity or conduct that could be used
17 to influence, pressure, coerce, or compromise him in
18 any way or that would impact negatively on his
19 character, reputation, judgment, or discretion.

20 (3) On the Senate Judiciary Committee's
21 "Questionnaire for Judicial Nominees", Judge
22 Porteous was asked whether any unfavorable infor-
23 mation existed that could affect his nomination.
24 Judge Porteous answered that, to the best of his
25 knowledge, he did "not know of any unfavorable in-

1 formation that may affect [his] nomination". Judge
2 Porteous signed that questionnaire by swearing that
3 "the information provided in this statement is, to
4 the best of my knowledge, true and accurate".

5 However, in truth and in fact, as Judge Porteous
6 then well knew, each of these answers was materially false
7 because Judge Porteous had engaged in a corrupt rela-
8 tionship with the law firm Amato & Creely, whereby Judge
9 Porteous appointed Creely as a "curator" in hundreds of
10 cases and thereafter requested and accepted from Amato
11 & Creely a portion of the curatorship fees which had been
12 paid to the firm and also had engaged in a corrupt rela-
13 tionship with Louis and Lori Marcotte, whereby Judge
14 Porteous solicited and accepted numerous things of value,
15 including meals, trips, home repairs, and car repairs, for
16 his personal use and benefit, while at the same time taking
17 official actions that benefitted the Marcottes. As Judge
18 Porteous well knew and understood, Louis Marcotte also
19 made false statements to the Federal Bureau of Investiga-
20 tion in an effort to assist Judge Porteous in being ap-
21 pointed to the Federal bench. Judge Porteous's failure to
22 disclose these corrupt relationships deprived the United
23 States Senate and the public of information that would
24 have had a material impact on his confirmation.

1 Wherefore, Judge G. Thomas Porteous, Jr., is guilty
2 of high crimes and misdemeanors and should be removed
3 from office.

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